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United States Patent & Trademark Office / Commissioner For Patents  
Attn: Steven Wong, Primary Examiner Art Unit 3711  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Mr. Wong:

Thank you for the response to my attorney, Scott Carson, in regards to Application NO. 10675454 / Filing Date 9/30/03. I am hopeful of receiving an explanation to the following questions for my own understanding.

-Our claims now pertain to a 2 piece version with a pivoting divot tool instead of the 3 piece version that had a sliding tool. Does that matter?

-My round, one piece concept is the ball marker. No removable parts means less to lose and keep track of. Regarding claims 1, 13 and the Hoyt design, his patent states: "and there is a hole in the exterior surface for receiving a ball marker." While golfers can certainly place anything on the green and call it a marker, with 2 sides, a divot tool, a brush, a money clip and a round piece outside the divot tool, how would that be thin enough to both effectively and realistically mark a ball even if it were round and a whole lot smaller, and even if it weren't designed for a separate, removable marker? I've been fighting that design problem with just 2 pieces: a round top, i.e. traditional shaped marker and divot tool, which connects underneath and within the diameter. Likewise, Hardin's design has a divot tool in between two sides, plus a money clip. It also contains: "an undercut periphery for receiving and supporting a disc-shaped ball marker therein." If that tool were both round and a little smaller, might it also be too thick if placed on the green in entirety for the purpose of marking a golf ball, especially if in the same line of another putt farther from the hole?

-Regarding claims 2 and 14, I only have one flat, round side (top) with a single divot repair tool underneath.

-Regarding claim 5, the design engineer tells me it would be impossible for a working multi-purpose golf tool to be 1.18" in diameter. (Some golfers use a larger coin or medallion to mark their ball, and a separate tool for turf repair. The hard part for me for the past two plus years has been to make something not too big for a marker, yet not so small the divot tool would be useless.) As a lay person, I just don't see evidence that anyone else has gone, or even intended to go in this direction. At the same time, I see numerous patents on fairly similar products...

Realizing how busy you must be, I would greatly appreciate a response when time allows. Thank you again,

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